

Serial No. 10/754,123
Attorney Docket No.: 2003-0270.02
Response to Office Communication

REMARKS

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the final Office Action of May 27, 2008. Claims 1-6, 9-19 and 22-38 remain pending. Claims 1 and 14 have been amended to include the language of dependent claims 8 and 21, respectively, and claims 8 and 21 have been cancelled as a result. The pending claims are believed to be in proper condition for allowance. Review and reconsideration of the claims are respectfully requested.

Rejection of claims 1, 5-6, 8-9, 12, 14, 18-19, 21-22, 25, 27-30, 32 and 34 under 35 U.S.C. §102(b)

Claims 1, 5-6, 8, 12, 14, 18-19, 21, 25, 27-30, 32, 34 and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,214,470 to Denber. In response, Applicant respectfully traverses the rejection based upon the following.

Claim 1 as amended recites determining a border of a target image region that surrounds the target image region, comprising ignoring the section of the image scanning area tagged as having a defect. The final Office Action identifies the target image region in Denber to be circle 13' shown in Figs. 5-6 and 8 (second paragraph of page 7 of the Office Action). It is then stated in the final Office Action that determining of the border of circle 13' in Denber includes performing spiraling along the perimeter of the defect until the center of the defect is found (page 8 of the Office Action, first paragraph). Applicant respectfully submits that determining a surrounding border of a defect necessarily includes analyzing the area of the defect itself. It is not known to Applicant how one can determine a region surrounding a defect without

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determining the area of the defect, as contended in the final Office Action. Further, the very fact that Denber shows border determination by performing spiraling in and around the defect, *as admitted in the final Office Action*, proves that Denber does not show or suggest border determination by ignoring the section of the image scanning area having a defect. As a result, Applicant submits that claim 1 as amended, as well as its dependent claims, are unanticipated by and allowable over Denber.

Claim 14 as amended recites a border determiner which determines a border of a target image region within the image scanning area based upon the generated tag, the border surrounding the target image region, wherein the border determiner ignores the section of the image scanning area tagged as having a defect. As stated above with respect to claim 1, and in contradiction with statements in the final Office Action, Denber shows determining a border of an image region based upon the section of the image scanning area having the defect. Denber determines no area other than the area of a defect, so Denber cannot possibly determine a border of such defect area while ignoring this very area having the defect. Claim 14 and its dependent claims are believed to be allowable as a result.

The rejection of claims 2-4, 10-11, 15-17, 23-24, 28, 31 and 36 under 35 USC 103(a)

Claims 2-4, 10-11, 15-17, 23-24, 28, 31 and 36 under 35 USC 103(a) as being unpatentable over Denber in view of Peairs. In response thereto, Applicant submits the following.

Claim 10 recites that the image processing of claim 1 comprises cloning the target image region to produce multiple target images over the image scanning area based upon the recited

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border determination. Similarly, claim 23 recites that the image processing comprises an image replicator which selectively replicates the target image region to produce multiple target images over the image scanning area based upon the border of the target image region. Claim 36 recites that the processing comprises replicating the target image region over the image scanning area without replicating sections of the image scanning area outside the border. The invention of claims 10, 23 and 36 advantageously allows for replicating only the target image region over the entire image scanning area for subsequent printing of the resulting image scanning area.

In the final Office Action, it is contended that Peairs shows a system in which image processing of the target image region comprises cloning thereof over the image scanning area. On the contrary, the particular passage in Peairs cited in the final Office Action shows or suggest no such thing. In fact, the cited passage in Peairs merely states that image restoration system 16 automatically retouches the digital image provided by scanner 12 (col. 3, lines 60-62). The retouched image 22 may be in electronic or paper hardcopy form (col. 3, lines 64-66). It is further stated in the cited passage of Peairs that a retouched hardcopy document is useful in office copier applications where a corrected (i.e., retouched) copy of an original document is desired (col. 3, line 66 – col. 4, line 2). Applicant respectfully submits that nowhere in Peairs, either in the cited passage or elsewhere, is there mention of cloning the target image region to produce multiple target images over the image scanning area as claimed in claim 10. Applicant respectfully submits that making multiple, separate hardcopies of a retouched document by an office copier, as discussed in the cited passage in Peairs, in no way shows or suggest producing multiple target images over the image scanning area as claimed. Because the combined teachings of Denber and Peairs fails to show or suggest the invention of claims 10, 23 and 36, such claims are allowable.


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Conclusion

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, applicant respectfully submits that all pending claims are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or email the undersigned at the numbers provided.

Respectfully submitted,




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I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 571-273-8300, on the date indicated below.

William F. Esser
Depositor's Name



Signature

Date: July 28, 2008